<u>Remarks</u>

Claims 1-20 currently stand rejected in the present application, over US Patent No. 7,120,604 to Maari (the Maari reference) in view of US Patent No. 6,493,761 to Baker et al (the Baker reference).

The Maari reference teaches a digital content distribution control method and apparatus. Maari, Abstract. The Maari reference teaches that digital content may be encrypted, using an encryption algorithm such as DES, and a content key and ID comprising key information for use in encoding and decoding. Maari, 6:13-15. Maari teaches use of an "encryption circuit" at the supplier's side, and a "decryption circuit" at the consumer's side. Maari, 5:5-11; 7:29-37. These hardware circuits implement a single encryption algorithm and its corresponding decryption algorithm. The encryption circuit uses a "predetermined compression scheme. Maari, 7:29-31. Maari teaches the use of different keys for different consumers (players), but does not teach the use of different algorithms for different consumers. Maari, 9:24-36. Significantly, Maari teaches using a single encryption algorithm to encrypt and decrypt the digital content. The system of Maari, which uses hardware circuits to implement the encryption algorithm, would not be able to change the encryption algorithm itself (as opposed to merely the encryption key) on demand, i.e. with each download of digital content. Because Maari expressly teaches that the encryption algorithm is pre-determined (Maari, 7:29-31; 15:58-61), Maari teaches directly away from providing a different encryption algorithm, on demand, each time a digital content item is encrypted.

The method of claim 1, however, recites "generating on demand a first encryption algorithm for encrypting the digital content item." This element of claim 1 is not taught by Maari, nor by Baker. Maari teaches using the same encryption algorithm, but different keys, for each consumer and for each download. The method of claim 1, however, by generating a new encryption algorithm on demand (i.e. each time a digital content item is downloaded), provides a much higher level of security than the method of Maari. In addition to each instance of encryption having a different key, that encryption uses a completely different encryption algorithm. Use of a different algorithm each time makes it very difficult for a potential cracker to crack the encryption used on

the digital content. Furthermore, if the cracker is successful at cracking that algorithm, the cracker only gains access to that one instance of cracked digital content. The cracker must begin working all over again at cracking a completely different algorithm in order to crack the next item of digital content. Thus the method of claim 1 provides a clear, novel, and non-obvious improvement over the methods taught by Maari. Therefore, claim 1 and its dependent claims 2-6 are not obvious over Maari, even in combination with Baker, and thus this claim is allowable over these references.

Similarly, claim 7, as amended, recites " receiving decryption information comprising a decryption algorithm generated on demand from the content provider." Similarly, claim 17, as amended, recites "generating on demand a decryption algorithm for decrypting the encrypted digital content". Because Maari fails to teach, and in fact directly teaches away from, the generation of encryption/decryption algorithms on demand, claims 7 and 17, and their dependent claims 8-16, 18-20 are likewise not obvious over Maari, even in combination with Baker, and thus this claim is allowable over these references.

Conclusion

Prompt and favorable action on the merits of the claims is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,

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